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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

INTEL CORPORATION and APPLE INC.,

Plaintiffs,

v.

FORTRESS INVESTMENT GROUP LLC,
FORTRESS CREDIT CO. LLC, UNILOC
2017 LLC, UNILOC USA, INC., UNILOC
LUXEMBOURG S.A.R.L., VLSI
TECHNOLOGY LLC, INVT SPE LLC,
INVENTERGY GLOBAL, INC., IXI IP, LLC,
and SEVEN NETWORKS, LLC,

Defendants.

Case No. 3:19-cv-07651-EMC

**DECLARATION OF MARK D. SELWYN
IN SUPPORT OF STIPULATION
ENLARGING TIME FOR APPLE AND
INTEL TO FILE A SECOND AMENDED
COMPLAINT**

1 I, Mark D. Selwyn, do hereby declare as follows:

2 1. I am a partner at the law firm of Wilmer Cutler Pickering Hale and Dorr LLP, counsel
3 for Intel Corporation (“Intel”) and Apple Inc. (“Apple”) in the above-captioned case. I am licensed
4 to practice law in the State of California, the Commonwealth of Massachusetts, and the State of New
5 York, and am admitted to practice before the U.S. District Court for the Northern District of
6 California. I am familiar with the facts set forth herein, and, if called as a witness, I could and would
7 testify competently to those facts under oath. I submit this declaration in support of the parties’
8 Stipulation Enlarging Time for Apple and Intel to File a Second Amended Complaint pursuant to
9 N.D. Cal. Civil L.R. 6-1 and 6-2.

10 2. In order to submit to this Court under seal further evidence to incorporate into their
11 second amended complaint, Apple and/or Intel have sought relief from the protective orders in *VLSI*
12 *Technology, LLC v. Intel Corporation*, 5:17-cv-05671-BLF (N.D. Cal.), ECF No. 292 (filing an
13 administrative motion for relief); *VLSI Technology, LLC v. Intel Corporation*, C.A. No. 18-966-
14 CFC-CJB (D. Del.), ECF No. 678 (filing a joint motion requesting a teleconference); *VLSI*
15 *Technology, LLC v. Intel Corporation*, Case No. 1:19-CV-977-ADA (W.D. Tex.) (requesting a
16 teleconference via email pursuant to the court’s discovery rules); *Uniloc 2017 LLC v. Apple Inc.*,
17 3:19-cv-01905-JD (N.D. Cal.), ECF No. 168 (filing a motion for relief); and *Uniloc 2017 LLC v.*
18 *Apple Inc.*, 5:19-cv-01929-EJD (N.D. Cal.), Dkt. No. 105 (filing a motion for relief).

19 3. VLSI’s opposition in *VLSI Technology, LLC v. Intel Corporation*, 5:17-cv-05671-
20 BLF (N.D. Cal.), was filed on January 26. Intel’s motion remains pending.

21 4. The court has set a hearing in *VLSI Technology, LLC v. Intel Corporation*, C.A. No.
22 18-966-CFC-CJB, for February 1, 2021. *VLSI Technology, LLC v. Intel Corporation*, C.A. No. 18-
23 966-CFC-CJB (D. Del.), ECF No. 681.

24 5. The court has stated it will set a teleconference for February 1, 2021 in *VLSI*
25 *Technology, LLC v. Intel Corporation*, Case No. 1:19-CV-977-ADA (W.D. Tex.).

26 6. Counsel for Apple may file an additional motion for relief this week or early next
27 week.
28

1 7. Counsel for Defendants do not oppose the relief requested.

2 8. This Court has granted five prior stipulations by the parties to extend time:

- 3
- 4 • On December 5, 2019, the Court granted a stipulation to extend the time for Defendants
 - 5 to file a declaration supporting Plaintiffs' motion to seal the original complaint from
 - 6 November 25, 2019 to December 6, 2019. *See* Dkt. No. 43.
 - 7 • On December 13, 2019, the Court granted a stipulation to extend the time for
 - 8 Defendants to respond to the original complaint from December 16, 2019 to
 - 9 February 4, 2020 and extended the corresponding briefing schedule on Defendants'
 - 10 motion to dismiss. *See* Dkt. No. 75.
 - 11 • On March 31, 2020, the Court granted a stipulation to extend the time for Defendants
 - 12 to file a reply in support of their motions to dismiss, strike, and/or stay the action from
 - 13 April 6, 2020 to April 13, 2020. *See* Dkt. No. 161.
 - 14 • On August 12, 2020, the Court granted a stipulation to extend the time for Defendants
 - 15 to respond to the amended complaint from August 25, 2020 to September 15, 2020 and
 - 16 extended the corresponding briefing schedule on Defendants' motion to dismiss. *See*
 - 17 Dkt. No. 196.
 - 18 • On August 28, 2020, the Court granted a stipulation to continue the Case Management
 - 19 Conference from September 17, 2020 to December 17, 2020. *See* Dkt. No. 199.

20 9. There are no pending deadlines in this case other than the deadline to file a second
21 amended complaint. Therefore, the requested time modification would not affect the case schedule
22 other than the deadline to file a second amended complaint.
23

24 I declare under the penalty of perjury under the laws of the United States of America that the
25 foregoing is true and correct to the best of my knowledge and that this Declaration was executed this
26 29th day of January 2021.
27
28

By: /s/ Mark D. Selwyn

Mark D. Selwyn

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